

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES OF AMERICA,

-against-

LAFONE ELEY,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 9/10/2020

20 Cr. 78-2 (AT)

**ORDER**

I. Setting Remote Proceeding

It is hereby ORDERED that Defendant Lafone Eley and his counsel, James Branden, shall appear for a substitution of counsel hearing on **September 14, 2020**, at **12:00 p.m.** The Government need not attend. The hearing shall proceed by teleconference. The parties will appear by telephone for the proceeding by calling **(888) 398-2342** or **(215) 861-0674** and using access code **5598827**. Members of the press and the public may also access the audio feed of the conference by using this information.

Under the terms of Section 15002(b)(2) of the CARES Act, Pub. L. No. 116-136 (2020), the Judicial Conference of the United States has found that emergency conditions due to the national emergency declared by the President with respect to COVID-19 materially have affected and will materially affect the functioning of the federal courts, and the Chief Judge of this district has entered an order finding that it is “necessary for the judges in this District to continue to conduct proceedings remotely, by videoconference or teleconference.” *In re Coronavirus/Covid-19 Pandemic*, 20 Misc. 176, ECF No. 2 (S.D.N.Y. Jun. 24, 2020); *see also* ECF No. 138 (letter from defense counsel reflecting consent to proceed telephonically).

Additionally, because of the COVID-19 public health crisis, the Court adopted emergency rules for conducting conferences and proceedings in criminal cases. *See* Rule 2(B) of the Court’s Emergency Individual Rules and Practices in Light of COVID-19. Accordingly, defense counsel is

directed to confer with the Government, and, prior to the conference, submit a letter to the docket stating the positions of both defense counsel and the Government on “whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43), and any other relevant law, conduct the matter by . . . **telephone** or video and, if applicable, whether the Defendant consents to appearance in that manner.” Rule 2(B) of the Court’s Emergency Individual Rules (emphasis added).

SO ORDERED.

Dated: September 10, 2020  
New York, New York



---

ANALISA TORRES  
United States District Judge